

MINUTES
TOWN OF MILLIKEN
TOWN BOARD OF TRUSTEES
Milliken Community Complex
June 28, 2006
7:00 p.m.

Board Trustees present: Mayor Linda Measner, Gary Frank, Milt Tokunaga, Ted Chavez, Julie Cozad and Peggy Wakeman.

Board Trustee absent: Mayor Pro Tem Janie Lichtfuss

Staff present: Town Attorney Bruce Fickel, Police Chief and Co-Interim Administrator Jim Burack, Public Works Director and Co-Interim Administrator Mike Woodruff, Town Clerk Kari Redman-Gutierrez, Town Engineer Larry Ketcham, Finance Director Diana Vasquez, Town Planner Danna Ortiz, Senior Coordinator Lois Ann Onorato.

REGULAR MEETING

Mayor Measner called the regular meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

Mayor Measner led the audience in the Pledge of Allegiance.

ADDITIONS/CHANGES TO THE AGENDA

Co-Interim Administrator Mike Woodruff moved item “d” - Resolution 06-12 for CSAFE (Local Government Investment Pool) Deposit and item “f” - Resolution 06-11 for the Great Outdoors Colorado Trust Fund from the Action Agenda to the Consent Agenda. Additionally, Co-Interim Administrator Woodruff added item “i” - Contract Approval for the Town Administrator search.

Trustee Peggy Wakeman moved to approve the moving of items “d” and “f” to the Consent Agenda and to add item “i” to the Action Agenda. Trustee Gary Frank seconded the motion.

REPORTS FROM BOARD MEMBERS REGARDING OTHER MEETINGS

Trustee Julie Cozad reported that the Open Space and Trail’s meeting was held last Monday at her home. She also stated that Mayor Linda Measner, Trustees Peggy Wakeman and she attended the CML Conference in Breckenridge, Colorado last week.

Trustee Cozad reminded everyone that the MPO meeting would be held in the Milliken Community Room on July 6, 2006 beginning at 6:30 p.m.

CONSENT AGENDA

Approval of Final List of Bills for June 28, 2006

Motion to approve the Final List of Bills for June 28, 2006 was made by Trustee Peggy Wakeman, seconded by Trustee Milt Tokunaga. Trustee Gary Frank abstained.

Vote: All in favor, none opposed, one abstention. Motion carried

Approval of Minutes for June 14, 2006

Discussion: Trustee Julie Cozad requested corrections to the meeting minutes including changing Kent Bruxvoort's employer to QED Associates from Bestway Concrete - QED Associates was representing Bestway Concrete. Secondly, Trustee Peggy Wakeman is an alternate to the MPO. Lastly, Milliken's Madness Day is July 15th not July 13th.

Motion to approve the Amended Minutes of June 14, 2006 was made by Trustee Peggy Wakeman and seconded by Trustee Milt Tokunaga.

Vote: All in favor, none opposed. Motion carried.

ACTION AGENDA

Trustee Julie Cozad asked to be excused from the discussion on Platte Sand and Gravel to avoid the appearance of prejudice. Trustee Cozad was a former paid employee of Lot Holding. The Board excused her from the discussions.

Platte Sand and Gravel Use by Special Review

Danna Ortiz, Town Planner reiterated that Platte Sand and Gravel (PS&G) is proposing to add a concrete batch plant, one asphalt batch plant with no extended hours and no hunting variance. Neighborhood concerns include: batch plants are not compatible use with the surrounding rural neighborhood, the lack of dust control with the unpaved roads, the increase of heavy truck traffic, noise from plant operations, odors from asphalt processing and lack of protection from chemical contamination in well water supplies. And lack of adequate Town Staff to monitor the operations diligently for violations.

Town Planner Danna Ortiz provided a copy of an e-mail to her from Perry Eisenach, Engineering Division Manager of the Weld County Public Works Department. The e-mail included:

1. PS&G has provided acceptable collateral for paving improvements in the amount of \$911,000.
2. PS&G has placed the bottom mat of asphalt on the road, except at the intersections. However, the intersections will be paved after the irrigation pipes are replaced.

3. PS&G has been given notice that they need to complete all of the drainage work on the side of the road and have all utilities relocated before the final lift of asphalt is done, but not before August 15th in order for Weld County Public Works to observe the performance of the road under truck traffic in areas of concern.

Tim Pike of PS&G addressed the validity of the Letter of Credit and the Irrevocable Letter of Credit. Mr. Pike distributed copies of letters from Environment, Inc which explained that the replacement bond had been filed and the Notice of Violation had been resolved.

Regarding the paving issue, Mr. Pike presented copies of colored pictures of the paving project. He indicated that the widening of WCR 38 is not complete. On June 8, 2006 they started paving the shoulders and on June 10, 2006 they began paving the road. On June 29, 2006 they anticipate working on the intersection of 25 and 251/2 - they have road edges and driveways to complete. Within 30 days (approximately 8/1/06) they will complete the two inch lift. The top lift is projected to be complete by August 15, 2006, barring no complications.

Mayor Linda Measner asked Town Planner Danna Ortiz to repeat the Staff recommendations to PS&G. The recommendations state that:

1. PS&G is to submit a site plan in accordance with Section 16-4-430 of the Milliken Land Use Code. PSG is to provide proof that a Noise Engineer has been involved in minimizing noise emissions, such as an added berm on the north side of the site entrance, and that PSG has worked with Weld County in the reduction of the speed limit on WCR 38.
2. PS&G shall obtain building permits for the batch plants from Milliken.
3. PS&G will obtain flood development permit and sign permits from Milliken.
4. PS&G will get all appropriate federal, state and local permits including, but not limited to Air Pollution Emission Notices, Spill Control and Containment Plan, StormWater Management Plan, individual sewage disposal system, and waste handling plan.
5. PS&G will make plat revisions as noted on page 5 and 6 of the May 4, 2005 Board of Trustees Staff Report from Town Planner Danna Ortiz to Mayor Measner.

Bruce Rippe, 11419 WCR 36, Platteville, CO, Frank Knowski, 2148 Country Club Parkway, Milliken, CO, Kim Bender, 12056 WCR 38, Platteville, CO, Stan Odenbaugh, 1100 WCR 38, Platteville, CO, Paul Gonzales, 11165 WCR 38, Platteville, CO and Kristi Plutl, 11247 WCR 36, Platteville, CO voiced their opposition and reasons to the opposition of the PS&G plant. A summary of their comments are that:

1. On May 10, 2006, the Board did not approve the expansion and asked the Board to re-deny approval of PS&G for the following reasons:
 - a. Town's zoning codes do not permit batch plant
 - b. Specific hours of operation – hours were expanded and now transport hours may be expanded

- c. Chronic noncompliance use – PS&G is not consistent in dealing with issues.
2. Milliken does not have the capacity to police the area to make certain PS&G is in compliance.
3. A proposed 28-35 feet high berm would block the mountain view.
4. Corporations (PS&G) tend to stretch or go beyond regulations.
5. Water levels and contamination of the water are in question.
6. The number of trucks that would be traveling roads at a high speed which diminishes the peace and quiet of the neighborhood, as well as safety for children in the neighborhood.

Steve O'Brian of Environment, Inc. reiterated that PS&G is now in compliance regarding the Financial Warranty Letter of Credit and the Irrevocable Letter of Credit. PS&G is now in good standing.

Tim Pike stated that the berm proposal was just that: a proposal and not a done deal. The berm would not be constructed if that was the consensus of the group.

Trustee Ted Chavez moved to deny PS&G Use by Special Review. Motion died for lack of a second.

Trustee Milt Tokunaga moved to go into an Executive Session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) at 8:10 p.m. Trustee Gary Frank seconded the motion.

Vote: All in favor, none opposed. Motion carried.

Mayor Linda Measner stated "The time is now 8:40 p.m., and the executive session has been concluded. The participants in the executive session were:

Mayor Linda Measner, Trustees Gary Frank, Milt Tokunaga, Ted Chavez, and Peggy Wakeman, Town Attorney Bruce Fickel, Co-Interim Administrator, Police Chief Jim Burack, Co-Interim Administrator, Public Works Director, Mike Woodruff.

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Seeing none, we will continue the meeting."

Trustee Milt Tokunaga moved to continue the discussion of the PS&G Use by Special Review at the July 12, 2006 in order for the Town Staff to provide Findings and Facts of:

1. How to fund the monitoring of PS&G,
2. The landscape issue of the berm,
3. The bond compliance affirmation from the State.

Trustee Peggy Wakeman seconded the Motion.

Vote: All in favor, none opposed. Motion carried.

Trustee Julie Cozad rejoined the meeting.

Resolution 06-12 for CSAFE, Local Government Investment Pool, Deposit

Finance Director Diana Vazquez asked approval to setting up an additional fund to avoid intermingling with the General Fund. The additional Fund (41) would be titled "Impact Fee" in order to account for revenue and expenses of said Fund.

Trustee Ted Chavez moved to approve the Resolution. Trustee Milt Tokunaga seconded the Motion.

Vote: All in favor, none opposed. Motion carried.

Excess Irrigation Water Lease to Western Equipment and Trucking

Town Engineer Ketchum stated that the Town has the opportunity to lease water to Western Equipment and Truck at a rate of \$150.00 per acre-foot. If the Board accepts the offer, the Town will receive approximately \$621.00 for water in 2006 and \$1,585.50 in 2007 that would otherwise flow down stream with no tangible benefit to the Town. Staff recommends entering into agreement with Western Equipment and Truck for the lease of up to 4.14 acre-feet of excess irrigation water in 2006, and 10.57 acre-feet in 2007 at the rate of \$150.00 per acre-foot.

Trustee Gary Frank moved that the Staff and the Mayor are authorized to finalize the water lease agreement(s) for Western Equipment and Truck, Inc for irrigation water in 2006 for up to 4.14 acre-feet, and irrigation water in 2007 for up to 10.57 acre-feet. Trustee Milt Tokunaga seconded the Motion.

Vote: All in favor, none opposed. Motion carried.

Contract approval for Civil Resources

Town Engineer Larry Ketchum stated that Town Staff often contracts out project design. Civil Resources, LLC has been contacted and asked to provide proposals for Engineering and Planning for:

- a. Milliken Water Line Extension – Contract Documents
- b. PRV Vault, Wildcat Acres – Peregrine Creek Water Line Interconnect
- c. Milliken Trails Implementation Plan and Standards.

Trustee Julie Cozad moved that the Mayor be authorized to sign the proposals/contracts for design and bid services with Civil Resources, LLC. Trustee Ted Chavez seconded the Motion.

Vote: All in favor, none opposed. Motion carried

Contract Approval for Administrative Search for Town Administrator

Trustee Ted Chavez moved that Rainguet and Associates, LLC, P O Box 215, Allenspark, CO 80510 be selected as the Executive Search Consultants for the Town Administrator search. Trustee Julie Cozad seconded the Motion.

Discussion: Trustee Milt Tokunaga requested affirmation that the cost of the search and advertising involved were within the agreed upon price range. Trustee Ted Chavez voiced his agreement. Staff confirmed it is a fixed fee arrangement.

Vote: All in favor, none opposed. Motion carried.

Discussion: Trustee Milt Tokunaga inquired of the progress on the water meter reading procedures. Co-Interim Administrator, Public Works Director Mike Woodruff stated that the report is being worked on and should be ready by the next Board Meeting.

Additional Discussion:

Public Works Director and Co-interim Administrator Woodruff announced that Mayor Linda Measner won re-election to the Board of Directors, Executive Committee of the Colorado Municipal League (CML). Mayor Linda Measner thanked Mr. Woodruff for all of his efforts and hard work in supporting her reelection.

Adjournment

Mayor Measner adjourned the meeting at 9:10 p.m. as there was no further business.

Kari Redman-Gutierrez, Town Clerk

Approved by the Board of Trustees

Linda L. Measner, Mayor